

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED
MAR 12 2019
Clerk, U.S. District Court
District Of Montana
Missoula

JAN VONDRICH,

Petitioner,

vs.

LYNN GUYER, ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

CV 18-199-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Order and Findings and Recommendations on December 19, 2019, recommending the denial of Petitioner Jan Vondrich's Petition (Doc. 2) because his claim is not cognizable in federal habeas. (Doc. 4 at 8.) Vondrich did not object to the Findings and Recommendations and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Lynch's Order and Findings and Recommendations (Doc. 4) are ADOPTED IN FULL. Petitioner's Petition (Doc. 2) is DENIED.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter judgment in favor of Respondents and against Petitioner.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

DATED this 12th day of March, 2019.



Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court